



ASA-996

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

A. KAWAOKA et al

Serial No. 09/836,467

Group Art Unit: 2623

Filed: April 18, 2001

Examiner: J. Wu

For: SHEET-RECOGNIZING MACHINE

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RESPONSE TO RESTRICTION REQUIREMENT

JUN 18 2004

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed May 25, 2004, Applicants elect to prosecute the invention defined by the Examiner as Group I, including claims 1-23 and 27-32. This election is made with traverse for the reasons that follow.

The Restriction Requirement is based on inventions I and II (claims 24-26) being related as combination/subcombination. As noted in the Restriction Requirement, inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations.

According to the Restriction Requirement, the combination as claimed does not require the particulars of the subcombination as claimed "because I does not require recognizing a desired sheet an for calculating a use charge (sic)." Further, the Restriction Requirement states that the subcombination has separate utility "such as recognizing sheet (and) calculating a use charge according to the stored...number of use time."

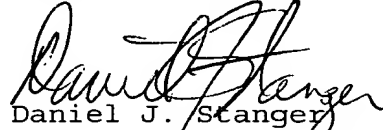
Respectfully, it appears that the two invention groups have not been defined properly as combination and subcombination. According to the Restriction Requirement, invention I is defined as the combination, and invention II as the subcombination. However, using claim 1 as an example, invention I is drawn to a sheet definition data managing apparatus comprising a sheet defining terminal, a sheet definition data managing server, and a charge managing server. Using claim 24 as an example, invention II is directed to a sheet recognizing system comprising a sheet defining terminal, a sheet definition data managing server, image acquiring means, a recognizing server, and a charge server. Claim 1 thus has an element (a charge managing server) which does not appear to be set forth in claim 24, and conversely, claim 24 has elements (image acquiring means, recognizing server, charge server) that do not appear to be part of invention I.

Therefore, there appears to be no combination/subcombination relationship because neither invention is a combination which is an organization of which the subcombination is a part.

MPEP §806.05(a).

In view of the foregoing comments, the Applicants respectfully traverse the Restriction Requirement and request examination of all of claims 1-32.

Respectfully submitted,



Daniel J. Stanger
Registration No. 32,846
Attorney for Applicants

MATTINGLY, STANGER & MALUR
1800 Diagonal Rd., Suite 370
Alexandria, Virginia 22314
(703) 684-1120
Date: June 16, 2004